

EXHIBIT A

Alexander, Andrew

From: Alexander, Andrew
Sent: Wednesday, February 2, 2022 2:40 PM
To: Means, Miranda
Cc: #Hayden-TakeTwo; Hayden-TakeTwo; Cipolla, John; McMullen, Dan; Likens, Dustin; Doney, Brian; Cavanagh, Matthew J.; Simmons, Joshua L.; Cendali, Dale M.
Subject: RE: Hayden v. Take-Two - Motion to Stay

Miranda,

We think it's premature to request to move or stay the trial dates right now. It is now February 2 and the trial is not scheduled until June 20. The Parties jointly proposed this schedule, including the summary judgment briefing and trial-related dates (leaving about 4 months between briefing and the first trial-prep deadlines). Neither party discussed conditioning the trial-related dates on the Court ruling on summary judgment. In our experience, a ruling on summary judgment and Daubert motions (especially given the number of issues) in less than two months is unrealistic. Mr. Hayden intends to prepare for the June 20 trial date, with the understanding that the Court may rule on the Parties' summary judgment briefing at any time before trial as the parties and Court originally contemplated.

As to your COVID concerns, the Covid cases in Ohio and Cuyahoga County have been rapidly decreasing even since the Court's January 6 Order. And there has been no indication that the current trial suspension, set to expire soon on February 11, would affect our trial date in June, so we don't see this as a reason to reschedule trial or ask for a postponement.

That said, we're happy to join a request for a conference with Judge Boyko to discuss these scheduling concerns.

Regards,

Andy

From: Means, Miranda <miranda.means@kirkland.com>
Sent: Monday, January 31, 2022 6:49 PM
To: Alexander, Andrew <AAlexander@Calfee.com>
Cc: #Hayden-TakeTwo <HaydenTakeTwo@kirkland.com>; Hayden-TakeTwo <Hayden-TakeTwo@Calfee.com>; Cipolla, John <JCipolla@Calfee.com>; McMullen, Dan <dmcullen@calfee.com>; Likens, Dustin <DLikens@Calfee.com>; Doney, Brian <BDoney@Calfee.com>; Cavanagh, Matthew J. <mcavanagh@mcdonaldhopkins.com>; Simmons, Joshua L. <joshua.simmons@kirkland.com>; Cendali, Dale M. <dale.cendali@kirkland.com>
Subject: Hayden v. Take-Two - Motion to Stay

Dear Andy,

Given that we are drawing closer to trial and have not yet received a ruling on the parties' respective summary judgment and Daubert motions, Take-Two intends to move the Court to stay the pretrial deadlines and trial dates until those motions are decided. We believe this would best conserve both parties' resources given that some or all issues in this case may be resolved by the Court, making it inefficient for the parties to start preparing for trial now. We also think that it makes sense in light of the COVID situation. As you probably know, trials are suspended in this district making it unclear whether the trial will even move ahead in June. In other jurisdictions, the growing backlog of trial-ready cases has postponed other trials in which we are involved.

Would you let us know Plaintiff's position on Take-Two's proposed motion, as well as whether he will join it?

Best regards,
Miranda

Miranda Means

She/Her/Hers

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